From the INTERNATIONAL BUREAU PCT To: NOTIFICATION OF TRANSMITTAL OF COPIES OF TRANSLATION OF THE INTERNATIONAL PRELIMINARY HAFT, v. Puttkamer, Berngruber, **EXAMINATION REPORT** Czybulka Patentanwaltskanzlei Franziskanerstrasse 38 (PCT Rule 72.2) D-81669 München -2. Jan. 2002 ALLEMAGNE Date of mailing (day/month/year) 17 December 2001 (17.12.01) Applicant's or agent's file reference IMPORTANT NOTIFICATION 15571PCT International filing date (day/month/year) International application No. 03 February 2000 (03.02.00) PCT/DE00/00334 Applicant

1. Transmittal of the translation to the applicant.

RAHE, Martin

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

JP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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PCT

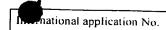
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACT	ION See Notif	ication of Transmittal of Internationa
International application No.			Examination Report (Form PCT/IPEA/416
PCT/DE00/00334	International filing date (03 February 2000	- ,	Priority date (daymonth year) 04 February 1999 (04.02.99)
International Patent Classification (IPC) or n A61B 5/20 Applicant	L		(04.02.37)
	RAHE, Ma	urtin .	
Additionly and is transmitted to the ap	oplicant according to Articl	e 36.	International Preliminary Examining
2. This REPORT consists of a total of	5 sheets, inc	luding this cover sl	heet.
This report is also accompanded been amended and are the backsee Rule 70.16 and Section (SIS FOR THIS REDORT and/or sh	eets containing rea	ion, claims and/or drawings which have ctifications made before this Authority he PCT).
These annexes consist of a to	tal of shee	S.	
3. This report contains indications relati	ng to the following items:		
Basis of the report			
II Priority			
III Non-establishment o	of opinion with regard to no	ovelty, inventive st	ep and industrial applicability
IV Lack of unity of invo	•		11
V Reasoned statement citations and explana	under Article 35(2) with reations supporting such state	gard to novelty, in ment	ventive step or industrial applicability:
VI Certain documents c	ited	•	
VII Certain defects in the	e international application		
VIII Certain observations	on the international applica	ation	
Date of submission of the demand		of completion of t	this report
04 September 2000 (04.09.00)		20 Oct	ober 2000 (20.10.2000)
Name and mailing address of the IPEA/EP	Auth	orized officer	
acsimile No.	Telej	ohone No.	

Translation





PCT/DE00/00334

1. Basis of the report							
1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):							
	the internationa	al application a	s originally filed.				
\boxtimes	the description,	pages	1-8	_, as originally filed,			
		pages		_, filed with the demand,			
		pages		, filed with the letter of			
		pages		, filed with the letter of			
\boxtimes	the claims,	Nos	1-13	_ , as originally filed,			
_				, as amended under Article 19,			
		Nos.		_ , filed with the demand,			
				, filed with the letter of,			
				, filed with the letter of			
\bowtie	the drawings,	sheets/fig	1/2-2/2	_ , as originally filed,			
				, filed with the demand,			
				, filed with the letter of			
				, filed with the letter of			
2. The amend	lments have resulte						
	the description,						
	the claims,						
	the drawings,						
		3					
3. This	report has been es	tablished as if	(some of) the ame	endments had not been made, since they have been considered Supplemental Box (Rule 70.2(c)).			
to ge	ocyona me aisele	isure as meu, a	s mulcated in the	Supplemental Box (Rule 70.2(c)).			
4. Additional	observations, if ne	cessary:					
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INTERNATIONAL PRESIDINARY EXAMINATION REPORT

mational application No. PCT/DE 00/00334

 Reasoned statement under Article citations and explanations supporti 	35(2) with regard to novelty ng such statement	, inventive step or industrial app	licability;
Statement			
Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

The subject matter of Claims 1 to 13 is novel and involves an inventive step pursuant to PCT Article 33.

- This report makes reference to the following document:
 - D1 WO-A-92/15863 (BOEHRINGER MANNHEIM CORP.) 17 September 1992.
- 2. D1 is considered to be the prior art closest to the subject matter of Claim 1 and discloses a device suitable for holding and checking separated urine (cf. abstract; page 8, line 32 to page 9, line 2). The device has the following features (the references in brackets refer to D1):
 - a measuring cell (inter alia formed by a first cover 10, a second cover 12 and a handle portion 14; cf. Figure 1)
 - this has an inflow opening (first port 11)
 - it has an indicator on an indicator carrier (reagent holder 8; cf. page 14, lines 25-30)
 - it has a transparent area forming a window through which the indicators are visible

(second port 13)

- the indicators are positioned on a side of the indicator carrier, which side faces the window (cf. Figure 1)
- liquid transporting means suitable because of its capillarity for transporting liquids extends from the inflow opening out to the indicator carrier (fleece layer 7 in Figure 1; cf. also page 13, lines 25-26)
- said liquid transporting means is connected to an area of an indicator in each case (page 14, lines 9-16).

The subject matter of Claim 1 differs from this known device in that the liquid transporting means engages around the indicator carrier and is connected to an area of one of each indicator on the side facing the window.

The subject matter of Claim 1 is thus novel pursuant to PCT Article 33(2).

3. The problem to be solved by the present invention can therefore be considered to be that of increasing the reading indication of the colour change of the indicators and thus the reliability of a resulting interpretation.

The solution proposed for this problem in Claim 1 of the present application involves an inventive step, pursuant to PCT Article 33(3), since geometry of the liquid transporting means, indicator carrier and indicator, which geometry corresponds to the distinguishing feature, is not suggested by the prior art.

The liquid transporting means in the device as

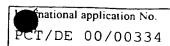
INTERNATIONAL PREMINARY EXAMINATION REPORT

described in D1 is connected to an area of the indicator on the **side facing away from the window**, a suboptimal reading indication of the indicator being produced, since the view of the colour change is made cloudy by a non-impregnated layer of the indicator carrier.

By way of the teaching of D1, the prior art merely provides the possibility of moistening the side of the indicator to be read directly with the liquid to be analysed. In this case, reading is made more difficult because of the liquid applied which is usually not colourless.

4. Claims 2 to 13 are dependent on Claim 1 and thus also meet the PCT requirements concerning novelty and inventive step.

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 1. Although Claim 1 is drafted in the two-part form, some of the features discussed in Box V should not have been included in the characterising part since they were disclosed in D1 in conjunction with the features mentioned in the preamble (PCT Rule 6.3(b)).
- Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.
- Claim 4 refers incorrectly to Claim 9 instead of Claim 3.